

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DIVISION OF MEDICAL QUALITY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )

No. 16-94-39140

STEPHEN THORNGATE, M.D. )  
Certificate No. G-3859 )

Respondent. )  
\_\_\_\_\_ )

DECISION

The attached Stipulation For Surrender of License  
No, 16-94-39140 has been adopted by the Division of Medical  
Quality, Medical Board of California as its Decision in the above-  
entitled matter.

This agreement shall become effective on OCTOBER 10, 1995

It is so Ordered SEPTEMBER 8, 1995

DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA

By Karen McCelliott  
KAREN MCELLIOTT  
President

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JANA L. TUTON  
Supervising Deputy Attorney General  
3 ROBERT C. MILLER  
Deputy Attorney General  
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P.O. Box 944255  
5 Sacramento, California 94244-2550  
Telephone: (916) 324-5161

6 Attorneys for Complainant  
7

8 BEFORE THE  
DIVISION OF MEDICAL QUALITY  
9 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation ) No. 16-94-39140  
12 Against: )  
STEPHEN THORNGATE, M.D. ) STIPULATION FOR SURRENDER  
West 4957 Aspen ) OF LICENSE  
14 Park Falls, WI 54552 )  
California Physician & )  
15 Surgeon Certificate )  
License No. G3859 )  
16 Respondent. )  
17

18 IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE  
19 PARTIES TO THE ABOVE-ENTITLED MATTER THAT:

20 1. Dixon Arnett, complainant, was the Executive  
21 Director of the Medical Board of the State of California  
22 (hereinafter the "Board") at the time Accusation  
23 No. 16-94-39140 was filed. The Board is represented by Daniel E.  
24 Lungren, Attorney General of the State of California, by  
25 Robert C. Miller, Deputy Attorney General.

26 2. Stephen Thorngate (hereinafter "respondent"), has  
27 carefully read and fully understands the effect of this

1 stipulation. Respondent is represented in this matter by Russell  
2 W. Wilson, who has counselled respondent regarding his legal  
3 rights, obligations, and defenses in this action.

4         3. At all times pertinent here, respondent has been  
5 licensed by the Board as a physician and surgeon. Certificate  
6 number G-3859 was issued to respondent by the Board on or about  
7 November 14, 1956.

8         4. On or about December 23, 1994, complainant in his  
9 official capacity as Executive Director of the Board filed  
10 Accusation No. 16-94-39140 against respondent. A true and  
11 correct copy of Accusation No. 16-94-39140 is attached as  
12 Attachment "A" and incorporated by reference as it fully sets  
13 forth.

14         5. Respondent was duly served with a copy of the  
15 Accusation, Statement to Respondent, Request for Discovery, Form  
16 Notice of Defense and copies of Government Code sections 11507.5,  
17 11507.6 and 11507.7 as required by section 11503 and 11505, and  
18 respondent filed a Notice of Defense within the time allowed by  
19 section 11506 of the Code.

20         6. Respondent is fully aware of the charges and  
21 allegations contained in Accusation No. 16-94-39140. Respondent  
22 understands that the charges and allegations contained in  
23 Accusation No. 16-94-39140, if proven, would constitute cause for  
24 imposing discipline upon respondent's physician's and surgeon's  
25 certificate.

26         7. Respondent is aware of each of his rights,  
27 including the right to a hearing on the charges and allegations;

1 the right to confront and cross-examine witnesses who would  
2 testify against respondent; the right to present evidence in his  
3 favor and call witnesses on his behalf, or to testify himself;  
4 the right to contest the charges and allegations; and all rights  
5 which may be accorded to respondent pursuant to the California  
6 Administrative Procedure Act (Gov. Code, § 11500 et seq.); and  
7 his right to reconsideration, review by the superior court, and  
8 to appeal to any other court.

9           8. Respondent, hereby freely, voluntarily and  
10 intelligently waives his rights to a hearing, reconsideration,  
11 appeal, and any and all other rights which may be accorded him  
12 pursuant to the Administrative Procedure Act and California Code  
13 of Civil Procedure with regard to Accusation No. 16-94-39140 in  
14 order to enter into this stipulation.

15           9. Although he makes no admissions to the allegations  
16 contained in Accusation No. 16-94-39140, respondent understands  
17 that by signing this stipulation, rather than contesting the  
18 charges and allegations contained in Accusation No. 16-94-39140,  
19 he is enabling the Board to issue its order accepting the  
20 surrender of his physician's and surgeon's certificate without  
21 any further opportunity to be heard or any further formal  
22 proceeding.

23           10. Respondent hereby voluntarily surrenders his  
24 physician's and surgeon's certificate number G-3859 to the Board  
25 for its formal acceptance. The parties stipulate that the  
26 surrender of respondent's certificate shall be effective thirty  
27 (30) days after the Board adopts this stipulated settlement.

1           11. Respondent fully understands that when the Board  
2 accepts the surrender of his physician's and surgeon's  
3 certificate number G-3859, he will no longer be permitted to  
4 practice medicine in the State of California.

5           12. In consideration of the foregoing stipulations,  
6 admissions and recitals, the Board, upon formal acceptance of  
7 this stipulation for surrender of license, agrees to withdraw,  
8 without prejudice, Accusation No. 16-94-39140 currently pending  
9 against respondent.

10           13. Respondent expressly agrees that should he in the  
11 future request to have his certificate renewed, restored or  
12 reinstated, such a request shall be treated as a petition for  
13 reinstatement of the license under the provisions of Business and  
14 Professions Code section 2307 or any reinstatement statute that  
15 is in effect at the time of the petition. It is further  
16 expressly stipulated that should respondent petition for  
17 reinstatement of her certificate, the allegations in all of the  
18 causes for disciplinary action set forth in Accusation No. 16-94-  
19 39140 shall be deemed admitted as being true and correct for the  
20 purposes of the petition for reinstatement only. Such admissions  
21 shall not be admissible in any subsequent civil or criminal  
22 proceedings. If respondent should petition for reinstatement of  
23 his license, any action taken on that petition by the Division of  
24 Medical Quality of the Medical Board, including denial of the  
25 petition, shall not be deemed a disciplinary action.

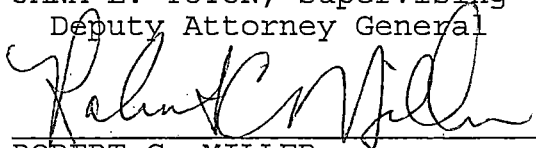
26           14. This stipulation for surrender of respondent's  
27 physician's and surgeon's certificate is intended to be the

1 integrated writing memorializing the complete agreement of the  
2 parties herein.

3 15. Respondent may not withdraw this stipulation prior  
4 to the Board's formal action on this stipulation. In the event  
5 the stipulation is rejected by the Board, it will be of no force  
6 or effect for either party.

7 DATED: July 15, 1995

8 DANIEL E. LUNGREN, Attorney General  
9 of the State of California  
10 JANA L. TUTON, Supervising  
11 Deputy Attorney General

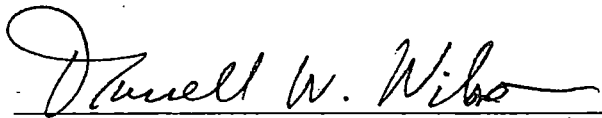
12   
13 ROBERT C. MILLER  
14 Deputy Attorney General

15 Attorneys for Complainant

16 DATED: 27 June 1995

17   
18 STEPHEN THORNGATE, M.D.  
19 Respondent

20 DATED: 29 June 1995

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22 RUSSELL W. WILSON  
23 Attorney for Respondent

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DANIEL E. LUNGREN, Attorney General  
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Attorneys for Complainant

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	CASE NO. 16-94-39140
Against:	)	
STEPHEN THORNGATE, M.D.	)	<u>ACCUSATION</u>
West 4957 Aspen	)	
Park Falls, Wisconsin 54552	)	
California Physician and	)	
Surgeon Certificate	)	
No. G3859	)	
Respondent.	)	

Dixon Arnett, for causes for discipline, alleges:

1. Complainant Dixon Arnett makes and files this accusation in his official capacity as Executive Director of the Medical Board of California (hereinafter referred to as the "Board").

2. On November 14, 1956, the Medical Board of California issued physician and surgeon certificate number G3859

1 to Stephen Thorngate, M.D. The certificate will expire July 31,  
2 1996, unless renewed.

3  
4 3. Under Business and Professions Code section 2234,  
5 the Division of Medical Quality shall take action against any  
6 licensee who is charged with unprofessional conduct.

7 Under Business and Professions Code section 2305, the  
8 revocation, suspension, or other discipline by another state of a  
9 license or certificate to practice medicine issued by the state  
10 shall constitute unprofessional conduct against such licensee in  
11 this state.

12 Under Business and Professions Code section 118(b), the  
13 expiration of a license shall not deprive the Board of  
14 jurisdiction to proceed with a disciplinary action during the  
15 time within which the license may be renewed, restored, or  
16 reinstated.

17 Under Business and Professions Code section 2428, a  
18 license which has expired may be renewed any time within five  
19 years after expiration.

20 Under Business and Professions Code section 125.3, the  
21 Medical Board of California may request the administrative law  
22 judge to direct a licensee found to have committed a violation  
23 or violations of the licensing act to pay a sum not to exceed the  
24 reasonable costs of the investigation and enforcement of the  
25 case.

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27 //



1           4. Respondent has subjected his physician and surgeon  
2 certificate to discipline under Business and Professions Code  
3 section 2305 on the grounds of unprofessional conduct in that on  
4 March 24, 1994, the State of Wisconsin, Medical Examining Board  
5 restricted respondent's license to practice medicine and surgery  
6 in that state by limiting his practice so that he may not perform  
7 any surgical procedures involving a patient's tendons, nerves,  
8 bones and joints without prior approval of the Medical Examining  
9 Board. Attached as Exhibit A and incorporated by reference is a  
10 true and correct copy of the Final Decision and Order from the  
11 State of Wisconsin.  
12

13           WHEREFORE, complainant prays a hearing be had and that  
14 the Medical Board of California make its order:

15           1. Revoking or suspending physician and surgeon  
16 certificate number G3859, issued to Stephen Thorngate, M.D.

17           2. Prohibiting Stephen Thorngate, M.D. from  
18 supervising physician's assistants.

19           3. Ordering Stephen Thorngate, M.D., to pay to the  
20 Medical Board of California its costs for investigation and  
21 enforcement according to proof at the hearing, pursuant to  
22 Business and Professions Code section 125.3.

23 //

24 //

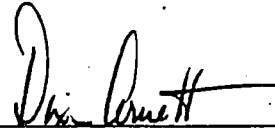
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1           4. Taking such other and further action as may be  
2 deemed proper and appropriate.

3           DATED: December 23, 1994

4  
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6           

7           DIXON ARNETT  
8           Executive Director  
9           Medical Board of California  
10           Department of Consumer Affairs  
11           State of California

12           Complainant

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25           (SM 11/4/94)  
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27

EXHIBIT A

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

STEPHEN THORNGATE, M.D.,  
RESPONDENT.

FINAL DECISION AND ORDER  
90 MED 317

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Dr. Stephen Thorngate  
205 Linden Street  
Park Falls, Wisconsin 54552

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation, incorporated by reference into this Order, as the final decision of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed the Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Stephen Thorngate, M.D. (D.O.B. [REDACTED]) is and was at all times relevant to the facts set forth herein registered to practice medicine and surgery in the State of Wisconsin (license #25876). Throughout his career, Dr. Thorngate has practiced as a general surgeon.

2. Dr. Thorngate's most recent address on file with the Wisconsin Medical Examining Board is 205 Linden Street, Park Falls, Wisconsin 54552.

3. The Department of Regulation and Licensing has opened investigative file #90 MED 317 concerning Dr. Thorngate's practice of medicine and surgery. This file was opened based on a report from the Office of the Commissioner of Insurance of a settled malpractice suit against Dr. Thorngate concerning surgery performed by Dr. Thorngate on patient SJ as described below.

4. On January 2, 1986, Dr. Thorngate performed a carpal tunnel release procedure on patient SJ's left hand to decompress the median nerve. Subsequent to the surgery, the patient suffered a "dead" sensation in the

little finger of her left hand, paraesthesia of both the little and ring fingers of the left hand, intolerance of the hand to hot and cold, and weakness in the hand. Conduction studies performed on SJ's left hand post surgery showed increased function in the patient's median nerve, and decreased function in her ulnar nerve. Suit was brought against Dr. Thorngate, in which it was alleged that Dr. Thorngate cut the patient's left ulnar nerve while making his incision. SJ eventually required decompression surgery of the left ulnar nerve, to treat the nerve damage she allegedly suffered as a result of the procedure Dr. Thorngate had performed.

5. Since January 2, 1986, Dr. Thorngate has voluntarily restricted himself from performing any further carpal tunnel release surgical procedures.

6. In resolution of these proceedings, Dr. Thorngate consents to issuance of the following Conclusions of Law and Order:

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter, pursuant to sec. 448.02(3), Wis. Stats.

2. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation, pursuant to Secs. 227.44(5) and 448.02, Wis. Stats.

3. Respondent's conduct, as set out above subjects respondent to discipline pursuant to sec. 448.02(3)(b), Wis. Stats., and sec. MED 10.02(2)(h), Wis. Adm. Code.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. Dr. Thorngate's license to practice medicine and surgery in Wisconsin is hereby LIMITED, such that Dr. Thorngate may not perform any surgical procedures involving a patient's tendons, nerves, bones and joints without prior approval of the Medical Examining Board. This limitation does not include laceration repair, which is permitted under the terms of this Order.

2. Dr. Thorngate may petition for removal of this restriction on his license to practice medicine and surgery upon submission of proof that he has completed continuing medical education or other training acceptable to the Medical Examining Board in areas specified by the Board.

To be acceptable, any retraining taken pursuant to this Order shall be pre-approved by a member or a designated agent of the Wisconsin Medical Examining Board. Acceptable documentation of completion of retraining shall include certification from the sponsoring organization (if applicable), as well as an affidavit executed by Dr. Thorngate verifying that he successfully completed the coursework and/or practicum in its entirety.

The Medical Examining Board may, in its discretion, require Dr. Thorngate to appear before the Board in conjunction with its consideration of a petition under this paragraph. Denial in whole or part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. secs. 227.01(3) and 227.42.

3. This Order shall become effective upon the date of its signing.

MEDICAL EXAMINING BOARD

By:

*James L. Esswein, M.D.*

~~Clark O. Olson, M.D.~~ James Esswein, M.D.  
~~Secretary~~ Chairman  
Medical Examining Board

*3/24/84*

Date